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NSC STAFF FOR WATERS

E.O. 12958: DECL: 05/17/2017
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SUBJECT: JUSTICE MINISTER: WELCOMES CONSULTATION ON
ANTI-TERROR AND TIP LEGISLATION; NO HELP ON AYMAN NOUR

CLASSIFIED BY AMBASSADOR FRANCIS J. RICCIARDONE FOR REASONS
1.4 (B) AND (D).

¶1. (C) SUMMARY: ON MAY 16 THE AMBASSADOR PRESSED JUSTICE MINISTER MAMDOUH MAREI FOR ANY LEGAL RELIEF FOR THE IMPRISONMENT OF AYMAN NOUR. MINISTER MAREI PUSHED BACK, ARGUING THAT THE GOE WOULD UNDERMINE ITS JUSTICE SYSTEM IF IT GRANTED RELIEF TO NOUR OUTSIDE THE SCOPE OF THE LAW. AS A LIFELONG "MAN OF THE LAW," THE MINISTER SAID HE WOULD BROOK NO POLITICAL CONSIDERATION IN ANY LEGAL CASE. MAREI ALSO ASSERTED THAT THE GOE HAD TAKEN EVERY POSSIBLE MEASURE, INCLUDING EXTRAORDINARY ONES, TO ENSURE THAT NOUR HAS THE HEALTH CARE HE REQUIRES. ON THE SUBJECT OF EGYPT'S DRAFT ANTI-TERROR LAW, MAREI WELCOMED USG COMMENT ON THE DRAFT LAW, WHICH HE PROMISED TO SHARE WITH US. THE AMBASSADOR ALSO PRESSED FOR ADDITIONAL GOE ACTION ON TIP. END SUMMARY.

¶2. (C) THE AMBASSADOR, ACCOMPANIED BY THE EMBASSY'S RECENTLY-ARRIVED JUSTICE ATTACHE AND POLOFF (NOTETAKER), CALLED ON MAREI IN HIS OFFICE ON MAY 16. MAREI EXPRESSED HIS APPRECIATION TO THE AMBASSADOR FOR USAID AND OTHER USG SUPPORT TO THE EGYPTIAN JUSTICE SYSTEM AND MENTIONED HIS PERSONAL GRATITUDE FOR AN OPPORTUNITY TO PARTICIPATE IN A JUDICIAL EXCHANGE PROGRAM TO THE UNITED STATES WHEN HE WAS SERVING AS A JUDGE. THE MINISTER EXPRESSED HIS WARM WELCOME TO THE JUSTICE ATTACHE AND ENCOURAGED HIM TO WORK CLOSELY WITH SENIOR JUSTICE MINISTRY OFFICIALS TO ENSURE THE CLOSEST COOPERATION.

¶3. (C) TURNING TO THE ISSUE OF DRAFT ANTI-TERROR LEGISLATION, THE AMBASSADOR TOLD THE MINISTER THAT THE U.S. EXPERIENCE HAD DEMONSTRATED THE IMPORTANCE OF STRENGTHENING THE RULE OF LAW AND INTERNATIONAL LEGAL COOPERATION TO COMBAT TERRORISM. MAREI NOTED THAT HE HAS BEEN CONSULTING A COPY OF THE PATRIOT ACT AS HE WORKS WITH THE COMMITTEE DRAFTING THE NEW LAW. HE ACKNOWLEDGED THE CHALLENGES OF BALANCING THE SECURITY AND STABILITY OF THE STATE WITH THE PROTECTION OF PERSONAL LIBERTY. THE MINISTER SAID THAT HE WOULD WELCOME USG REVIEW AND COMMENTS ON THE DRAFT LAW AND UNDERTOOK TO PASS A COPY OF THE DRAFT TO THE JUSTICE ATTACHE IN THE NEAR FUTURE. HE INSTRUCTED UNDER SECRETARY BURHAN AMRULLAH TO ENSURE THAT THE COMMENTS OF THE U.S. JUSTICE ATTACHE ARE INCLUDED WHEN MOJ STAFF PRESENTS THE DRAFT LEGISLATION TO HIM FOR STUDY. THE MINISTER ALSO NOTED THAT HE IS WORKING WITH THE ARAB LEAGUE TO PROMOTE ENHANCED COOPERATION ON ANTI-TERROR EFFORTS IN THE REGION.

¶4. (C) THE AMBASSADOR RAISED THE MATTER OF IMPRISONED OPPOSITION POLITICIAN AYMAN NOUR. HE TOLD MAREI THAT USG INTEREST IN NOUR'S CASE REMAINS HIGH, AND THAT UPCOMING CONGRESSIONAL VISITORS WOULD CERTAINLY ALSO SEEK TO ENGAGE THE GOE ON NOUR. THE AMBASSADOR HAD STATED PUBLICLY OUR RESPECT FOR EGYPTIAN LEGAL PROCESSES, AND HAD PUBLICLY

EXPRESSED OUR HUMANITARIAN CONCERN FOR NOUR. HE ASKED WHETHER THERE WAS SCOPE WITHIN EGYPTIAN LAW TO RELEASE NOUR ON MEDICAL GROUNDS. MAREI SAID THAT HE HAD PERSONALLY REVIEWED THE NOUR FILE UPON BECOMING MINISTER IN 2006, AND THAT HE WAS CONVINCED THAT NOUR'S CONVICTION HAD BEEN JUSTIFIED AND IN ACCORDANCE WITH THE LAW. MAREI ALSO NOTED THAT GRANTING LEGALLY EXCEPTIONAL CONSIDERATION TO NOUR WOULD ONLY UNDERMINE THE EGYPTIAN JUSTICE SYSTEM AND INVITE CHAOS. MAREI SAID THAT HE HAD TAKEN A PERSONAL INTEREST IN NOUR'S CASE AND HAD REVIEWED IT IN DETAIL, NOT LEAST BECAUSE HE HAD KNOWN NOUR PERSONALLY AS A "PLEASANT FELLOW" AND HAD ALSO KNOWN HIS FATHER, AN ATTORNEY. THE MINISTER SAID HE MADE SURE THAT NOUR RECEIVED SPECIAL MEDICAL CARE, AND HAD BEEN EXAMINED BY A RANGE OF INDEPENDENT MEDICAL EXPERTS OF NOUR'S CHOICE WHO ALL AGREED THAT THERE WERE NO HEALTH REASONS THAT WOULD JUSTIFY REDUCING NOUR'S SENTENCE. MAREI ALSO NOTED THAT NOUR MAY BE ELIGIBLE, BASED ON GOOD BEHAVIOR, TO BE RELEASED ON PAROLE ONCE HE HAS SERVED THREE-QUARTERS OF HIS SENTENCE, I.E., AFTER SERVING 3.75 YEARS. NOUR HAS SO FAR SERVED ABOUT 1.5 YEARS. THE AMBASSADOR REITERATED USG CONCERN OVER NOUR'S HEALTH AND CITED THE BURDEN THIS CASE CONTINUE TO PLACE ON OUR LARGER RELATIONSHIP. HE URGED THE MINISTER TO GIVE THIS CASE CONTINUED CONSIDERATION WITH A VIEW TO FINDING GROUNDS FOR NOUR'S RELEASE.

15. (C) THE AMBASSADOR ALSO COMMENDED THE GOES EFFORT TO DRAFT A NEW CHILD PROTECTION LAW, WHICH INCLUDES SPECIFIC ANTI-TRAFFICKING ARTICLES, AND URGED THE MINISTER TO CONSIDER BROADENING THE SCOPE OF ANTI-TRAFFICKING LEGISLATION TO ALSO INCLUDE ADULT CITIZENS AND FOREIGN NATIONALS. HE ALSO REMINDED MAREI THAT A MINISTERIAL DECREE TO ESTABLISH AN INTER-MINISTERIAL COMMISSION ON TIP WAS REPORTEDLY STILL AWAITING THE PRIME MINISTER'S ACTION. THE MINISTER ACKNOWLEDGED THE IMPORTANCE OF STRENGTHENING LEGAL PROTECTIONS AGAINST TRAFFICKING AND WELCOMED FUTURE CONSULTATIONS WITH THE U.S. JUSTICE ATTACHE ON THIS ISSUE.

RICCIARDONE